

IN THE CLAIMS:

Please rewrite claim 40 and add new claim 52 as follows:

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40. (Amended) A disposable absorbent pant comprising:

a multi-layer chassis including an outer cover, a liner, and an absorbent structure disposed between said outer cover and said liner, said outer cover having a first surface facing said liner and a second surface opposite said first surface, said chassis formed as a pant and including a waist opening and a pair of leg openings, one layer of said multi-layer structure including an extension portion extending beyond an edge of another layer of said multi-layer structure and peripherally surrounding said waist opening; and

a closed-loop waist elastic system including an elongate sleeve member defining an elongate passage therein, said waist elastic system being generally peripherally disposed about said waist opening, and at least one elongate elastic member disposed within said elongate passage, said elongate passage formed by folding said extension portion upon itself and joining an end portion of said extension portion to a surface of said extension portion.

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-- 52. (New) The disposable absorbent pant of claim 40 wherein said at least one elongate elastic member is completely encapsulated within said elongate passage around the entire periphery of said waist opening. --

REMARKS

Obviousness-Type Double Patenting:

In an Office Action mailed February 4, 2003, the Examiner rejected all of the claims under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 5,601,547, 5,683,376 and 6,336,921. In response, Applicants have submitted herewith a terminal disclaimer and the requisite fee.